

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

14       1. The Clerk of the Court shall serve a copy of this Order  
15 and the petition and all attachments thereto upon Respondent and  
16 Respondent's attorney, the Attorney General of the State of  
17 California. The Clerk shall also serve a copy of this Order on  
18 Petitioner's attorney.

19       2. Respondent shall file with this Court and serve upon  
20 Petitioner, within sixty (60) days of the issuance of this Order,  
21 an Answer conforming in all respects to Rule 5 of the Rules  
22 Governing Section 2254 Cases, showing cause why a writ of habeas  
23 corpus should not be issued. Respondent shall file with the Answer  
24 a copy of all portions of the relevant state records that have been  
25 transcribed previously and that are relevant to a determination of  
the issues presented by the petition.

27       3. If Petitioner wishes to respond to the Answer, he shall  
28 do so by filing a Traverse with the Court and serving it on  
Respondent within sixty (60) days of his receipt of the Answer.  
Should Petitioner fail to do so, the petition will be deemed

1 submitted and ready for decision sixty (60) days after the date  
2 Petitioner is served with Respondent's Answer.

3       4. Respondent may file a motion to dismiss on procedural  
4 grounds in lieu of an Answer, as set forth in the Advisory  
5 Committee Notes to Rule 4 of the Rules Governing Section 2254  
6 Cases. If Respondent files such a motion, Petitioner shall file  
7 with the Court and serve on Respondent an opposition or statement  
8 of non-opposition to the motion within thirty (30) days of receipt  
9 of the motion, and Respondent shall file with the Court and serve  
10 on Petitioner a reply within fifteen (15) days of receipt of any  
11 opposition.

12       5. Extensions of time are not favored, though reasonable  
13 extensions will be granted. Any motion for an extension of time  
14 must be filed no later than ten (10) days prior to the deadline  
15 sought to be extended.

16           IT IS SO ORDERED.

17 Dated: 8/28/08



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

## DELANO TOLDEN,

Plaintiff,

Case Number: CV08-03782 CW

V.

JAMES E. TILTON et al.

Defendant.

## **CERTIFICATE OF SERVICE**

7 JAMES E. TILTON et al,  
8 Defendant.  
\_\_\_\_\_

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on August 28, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

15 James E. Tilton, Director  
CA Department of Corrections  
1515 S Street  
Sacramento, CA 95814

17 Attorney General  
18 State of California  
19 455 Golden Gate Avenue, #11000  
San Francisco, CA 94102

20 || Dated: August 28, 2008

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk